

RESOLUTION NUMBER R- 261095

ADOPTED ON JUL 3 1984

WHEREAS, BINNACLE VENTURES VII, a limited partnership, "Owner/Permittee," filed an application for permission under Conditional Use Permit No. 84-0214 to construct a four-story senior citizen housing project, including 54 rental units, on an 0.52 acre site zoned R-600, located at 3792-3810 Georgia Street (west side), between University and Robinson Avenues, described as Lots 35-40, Block 249, University Heights, Map No. 526, in the Park North-East Community Plan area; and

WHEREAS, on May 24, 1984, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. 84-0214 and filed said decision in the office of the City Clerk on June 4, 1984; and

WHEREAS, on June 1, 1984, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, MARSHALL D. WARD appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on July 3, 1984, testimony having been heard, evidence having been submitted, and the City Council having fully considered the same; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code Section 101.0506 to affirm, reverse or modify, in whole or in part, any determination of the Planning Commission subject to the limitations as are

placed upon the Planning Commission by the Municipal Code; NOW,  
THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as  
follows:

All of the following facts exist with respect to Conditional  
Use Permit No. 84-0214:


1. The proposed use will not adversely affect the  
neighborhood, General Plan and Community Plan, nor will it be  
detrimental to the health, safety and general welfare of persons  
residing or working in the area. The senior citizen housing  
project will contribute to the general welfare by providing  
housing for the elderly who may wish to live in the area. The  
project will be convenient to transit services and shopping  
facilities. The outdoor atrium, activity room, laundry and other  
amenities should contribute to the welfare of persons residing in  
the project.

2. The proposed use will comply with all the relevant  
regulations in the Municipal Code. Section 101.0506 of the  
Municipal Code of San Diego, paragraph A.14, grants the Planning  
Commission of the City of San Diego authority to approve housing  
for the elderly in any residential or commercial zone with a  
Conditional Use Permit, subject to appropriate conditions of  
approval. The City Council believes that appropriate conditions  
exist in this case for granting approval.

The above findings are supported by the minutes, maps and  
exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that this Council hereby denies the appeal of MARSHALL D. WARD, sustains the decision of the Planning Commission, and hereby grants to BINNACLE VENTURES VII, a limited partnership, "Owner/Permittee," Conditional Use Permit No. 84-0214, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: John W. Witt, City Attorney

By   
for Frederick C. Conrad  
Chief Deputy City Attorney

FCC:ib:632  
07/24/84  
Or.Dept:Clerk  
CUP-84-0214  
R-85-175  
Form=r.none

CONDITIONAL USE PERMIT  
NO. 84-0214  
CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to BINNACLE VENTURES VII, a limited partnership, Owner/Permittee, for the purposes and under the terms and conditions as set out herein, pursuant to the authority contained in Section 101.0506 of the San Diego Municipal Code.

1. Permission is hereby granted to Owner/Permittee to construct a four-story senior citizen housing project at 3792-3810 Georgia Street (west side), between University and Robinson Avenues, described as Lots 35-40, Block 249, University Heights D'Hemecourt Amended Map No. 526, in the R-600 Zone of the Park North-East Community Plan area.

2. The facility shall consist of the following:

- a. 53 apartment units for senior citizen housing;
- b. A manager's unit;
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 30 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 24, 1984, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards.

Parking areas shall be marked. No charge shall be made for the use of these parking spaces.

4. Owner/Permittee is required to provide verification that the occupants of the 24 units without off-street parking do not own an automobile.

5. At least one resident in each unit shall be a minimum of 62 years of age.

6. The subject development is an apartment project and shall not be converted to condominium use unless authorized by the Planning Commission and meets all requirements of the Municipal Code at the time of conversion.

7. Prior to the issuance of any building permits in connection with the Conditional Use Permit, Owner/Permittee shall assure by permit and bond the replacement of the two existing driveway ramps on Georgia Street with full-height curb, in a manner satisfactory to the City Engineer.

8. Additional insulation, such as R-19 or its equivalent shall be installed in any common wall of the laundry room with any adjacent residential units, satisfactory to the Planning Director.

9. Construction or operation of the facility shall not be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. Owner/Permittee signs and returns the permit to the Planning Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

10. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated May 24, 1984, on file in the office of the Planning Department. No changes, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

11. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated May 24, 1984, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

12. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

13. This Conditional Use Permit must be used within 18 months after the date of City approval or the permit shall be void. An extension of time may be granted as set forth in Sections 101.0506 and 101.0507 of the Municipal Code. Any such extension must meet all of the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the Planning Commission.

14. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

15. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; and
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

16. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

17. This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON JULY 3, 1984.

Form=CUP

AUTHENTICATED BY:

Roger Hedgecock  
Mayor of The City of San Diego

City Clerk of The City of San Diego

STATE OF CALIFORNIA )  
  )  
COUNTY OF SAN DIEGO )

On this ===== day of =====, 1984, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared ROGER HEDGECOCK, known to me to be the Mayor, and CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County  
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Conditional Use Permit and promises to perform each and every obligation of Permittee hereunder.

BINNACLE VENTURES VII, a limited  
partnership

By \_\_\_\_\_

NOTE: NOTARY ACKNOWLEDGEMENTS MUST  
BE ATTACHED PER CIVIL CODE,  
SEC. 1180 et seq.



JUL 3 1984

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

BY *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-261095* Adopted *JUL 3 1984*